

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

No. 1:23-mj-00230

v.

Hon. Ray Kent
United States Magistrate Judge

ANDREW BLAIR HOWARD,

Defendant.

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TRIAL STIPULATIONS

The United States of America, by and through its attorneys, Mark A. Totten, United States Attorney and Lauren F. Biksacky, Assistant U.S. Attorney; and Andrew Blair Howard, by and through his attorney, Tony Valentine, hereby enter the following stipulations in the trial of this matter:

1. Defendant's actions at issue in this matter—which occurred on or about August 15, 2022—occurred within waters subject to the jurisdiction of the United States located within the boundaries of the National Park System (Sleeping Bear Dunes National Lakeshore), which includes navigable waters and areas within their ordinary reach. The actions at issue occurred in Benzie County, in the Southern Division of the Western District of Michigan.
2. **Government's Exhibit 1** is an aerial photograph of the Platte River and Lake Michigan taken in May 2022, prior to the events in this case. **Government's Exhibit 1** is authentic and admissible at trial.

3. **Government's Exhibit 2 (including sub-exhibits 2A-2J)** is body camera video footage and a screenshot of the footage taken by the National Park Service on August 15, 2022 at the Platte River. **Government's Exhibit 2 (including sub-exhibits 2A-2J)** is authentic and admissible at trial.
4. **Government Exhibit 3** is a photograph taken by National Park Service Ranger Logan Bahm on August 15, 2022 at approximately 6:31 p.m. at the Platte River. **Government Exhibit 3** is authentic and admissible at trial.
5. **Government's Exhibits 4 through 8** are aerial photographs taken by the U.S. Coast Guard from above the Platte River and Lake Michigan in a helicopter on or about August 18, 2022. **Government's Exhibits 4 through 8** are authentic and admissible at trial.
6. **Government's Exhibit 9** is a photograph taken on August 15, 2022 at approximately 5:32 p.m. at the Platte River. **Government's Exhibits 10 and 11** are photograph taken on August 15, 2022 at approximately 6:06 p.m. at the Platte River. **Government's Exhibit 12** is a photograph taken on August 15, 2022 at approximately 6:11 p.m. at the Platte River. **Government's Exhibit 13** is a photograph taken on August 15, 2022 at approximately 6:12 p.m. at the Platte River. **Government's Exhibits 9 through 13** are authentic and admissible at trial.
7. **Government's Exhibit 14** is a photograph taken on August 15, 2022 at approximately 6:24 p.m. at the Platte River. **Government's Exhibit 14** is authentic and admissible at trial.

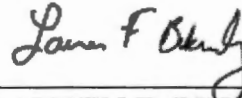
8. **Government's Exhibit 15** is a photograph taken on August 17, 2022 at 1:47 p.m. at the Platte River. **Government's Exhibit 15** is authentic and admissible at trial.

9. **Government's Exhibits 16 and 17** are photographs taken on August 18, 2022 at 11:09 a.m. at the Platte River. **Government's Exhibit 18** is a photograph taken on August 19, 2022 at 8:55 a.m. at the Platte River. **Government's Exhibits 16 through 18** are authentic and admissible at trial.

Respectfully submitted,

MARK A. TOTTEN,
United States Attorney

Dated: 1/31/2024



LAUREN F. BIRSACKY
Assistant United States Attorney

Dated: 1/31/2024



/s/ Tony Valentine (with permission)
TONY VALENTINE
Attorney for Defendant

Dated: 1/31/2024



/s/ Andrew Howard (with permission)
ANDREW HOWARD
Defendant¹

¹ Defense counsel has informed the government that he has reviewed these stipulations with his client, that his client consents to the entry of these stipulations, and that the stipulations can be signed electronically for Mr. Howard with his permission. Defense counsel has indicated that he will obtain Mr. Howard's actual conforming signature on the stipulations prior to trial. The parties provide this copy to the Court by its January 31, 2024 deadline for pretrial filings and will provide a version with Mr. Howard's actual signature prior to trial.